

ENTERED

July 31, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SEAN HICKS,	§	
	§	
Plaintiff,	§	
V.	§	CIVIL ACTION NO. 2:24-CV-00126
	§	
BRYAN COLLIER, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Mitchel Neurock's Memorandum and Recommendation ("M&R"). (D.E. 51). The M&R recommends that the Court:

- Deny the Rule 12(b)(6) motion as to Sergeant Flores, Officer Balderas, and Officer Garner;
- Deny the qualified immunity motion as to Sergeant Flores, Officer Balderas, and Officer Garner, without prejudice; and
- Grant the Rule 12(b)(6) and qualified immunity motion as to Sergeant Alaniz and dismiss Plaintiff's claims against her with prejudice.

Id. at 22.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R.¹ *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United*

¹ Plaintiff's mail was returned as undeliverable. As a party, Plaintiff is required to keep the Court apprised of his current address at all times and has failed to do so. LOCAL RULE 83.4; *see also Martinez-Reyes v. United States*, No. 7:12-CR-1787-1, 2016 WL 8740494, at *4 (S.D. Tex. Oct. 10, 2016) (Ormsby, Mag. J.) (collecting cases), *adopted*, No. CR M-12-1787-1, 2017 WL 1409315 (S.D. Tex. Apr. 20, 2017) (Crane, C.J.).

States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.) (citation omitted).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 51). Accordingly, the Court:

- **DENIES** the Rule 12(b)(6) motion, (D.E. 46), as to Sergeant Flores, Officer Balderas, and Officer Garner;
- **DENIES** the qualified immunity motion, (D.E. 46), as to Sergeant Flores, Officer Balderas, and Officer Garner, without prejudice; and
- **GRANTS** the Rule 12(b)(6) and qualified immunity motion, (D.E. 46), as to Sergeant Alaniz and **DISMISSES with prejudice** Plaintiff's claims against her.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas
July 31st, 2025